Chandka

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO. 165 OF 2005
IN
AWARD NO. 21 OF 2000

Unique Integrated Transport & Management Consultancies Pvt. Ltd. ..Petitioner
..Ori.Claimant

versus

Mahanagar Telephone Nigam Ltd. ..Respondent

Mr. K. K. Khanna for the Petitioner.

Ms. S. I. Shah i/b. M/s. S. I. Shah & Co. for the Respondent.

CORAM : S. A. BOBDE, J.
DATE : 11TH DECEMBER, 2007.

P.C.

. Heard.

2. Petitioner seeks to make the Award dated 22.2.2000 as a rule of the court under Section 17 of the Arbitration Act, 1940. There is no dispute that after the Award was passed, an application for setting aside the Award was dismissed on 25.2.2002. Appeal No. 575 of 2002 was filed against the said order dated 25.2.2002. That Appeal was dismissed on 15.7.2002. Respondents challenged the said order

dated 15.7.2002 by filing S.L.P No. 23860-23861 of 2002. The Supreme Court dismissed the SLP on 3.12.2003. In the circumstances, the petitioner / claimant seeks to make the Award as a rule of the court.

3. The learned Counsel for the respondent submitted that an amount of approximately Rs.14 lacs has been deposited by them in pursuance of the orders of this Court dated 26.9.2000 and 26.10.2004 and those amounts have been withdrawn by the claimant. According to the respondents therefore the petitioner is not entitled to any decree in terms of the Award. This contention cannot be accepted. The Award is liable to be made a rule of the court in accordance with the law.

4. Undoubtedly, if the claimant seeks to execute the decree now being passed by this court, the respondents will be entitled to claim adjustment according to law. Hence decree be drawn in accordance with the Award No. 21 of 2000 dated 22.2.2000. Order accordingly. Petition disposed of.

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(S. A. BOBDE, J.)